

Process of Vacating Easements and Rights-of-Way

Petition and \$100 filing fee submitted to City Clerk's office

Request referred to Public Works/Engineering

Request Must Provide:

- Legal Description of requested vacation
- Sketch of area requested for vacation
- Reasons for requesting vacation

Engineering Staff:

- Verifies request
- Checks w/Franchise Utilities
- Checks w/City Utilities
- Notifies abutting property owners
- City Clerk publishes notice of public hearing at least 20 days before public hearing.

Utility sign-offs must be received 5 days prior to
City Commission Meeting

Placed on City Commission Agenda for Public
Hearing/**First** Reading of ordinance vacating property

Placed on City Commission Agenda for **Second** reading
of ordinance vacating property.

City Clerk files ordinance
with Saline County Register of Deeds

VACATING EASEMENTS AND RIGHTS-OF-WAY

1. Petitions for the vacation of street rights-of-way and easements shall be filed with the City Clerk. Such petitions shall be submitted on the appropriate form and be accompanied by the \$100.00 filing fee.
2. The City Clerk shall refer the petition to the City Engineer and set a date for public hearing. Requests to close and vacate an open public street shall first be referred to the Planning Commission for public comment and a recommendation from the Planning Commission. The City Clerk shall cause the required notice of the public hearing to be published.
3. The City Engineer shall evaluate the request for vacation and submit a report of findings and recommendations to the Board of City Commissioners. Those public utility companies whose lines or facilities may be affected shall be consulted as to their opinion regarding the vacation. In preparing the report of findings and recommendations, the City Engineer shall be guided by the following factors: the existing and future public need for the right-of-way or easement; the cost to relocate affected utility lines or facilities; the cost to acquire replacement right-of-way or easement; and the extent of damage or harm to affected public utilities due to the loss of all or part of the right-of-way or easement.
4. Upon receipt of the engineering report and at the conclusion of the public hearing, the Board of City Commissioners may approve such vacation by ordinance, table the petition for vacation pending receipt of additional specified information, or deny the petition. In considering such vacation request, the Board of City Commissioners shall balance the needs and desires of the petitioner, adjacent and affected property owners and the general public. In granting such vacation, the Board of City Commissioners may impose such conditions as deemed reasonable to protect the interests of affected property owners, public utilities and the general public.